FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.7716 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Pandey i/by M/s.Pandey & Co. for petitioner.
Mr.S.R.Nargolkar, AGP for res.Nos.1 & 4.
Mrs.Kiran Bhagalia for res.No.2.

CORAM : H.L GOKHALE &
J.P.DEVADHAR, JJ.

DATED : 28th November 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition seeks to challenge the Notice dated 8th November 2006 issued by respondent No.4. This is an original cause and, therefore, the petitioner will have to amend it to make it one under Article 226 of the Constitution of India and not under Article 227 of the Constitution.

3. Mr.Pandey appearing for the petitoner states that he will carry out the necessary amendment by Friday, the 1st December 2006. Leave to amend. The amended Petition will be served on the respondents on or before 2nd December 2006. The respondents may file their reply within one week thereafter. The amended Petition will be listed before the appropriate Bench taking the matters on Original Side on **11th December 2006.**

4. Mr.Pandey prays for interim order to restrain the respondents from demolishing some four structures where the petitioner’s name is having on the Western Express Highway between Dindoshi and Dahisar. It is the petitioner’s case that the structures are outside the road line, whereas Mrs.Bhagalia appearing for respondent No.2

states that these structures are very much hit by the road widening work. In any case, she states that under the policy of respondent No.2, the petitioner is eligible for one structure. She states so on instructions. In view thereof, no interim order.

5. Liberty to the petitioner to amend the Petition and to add further documents, averments and prayers, if she so deems fit.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)